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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,293	12/21/2001	Andrew W. Torrance	ABR-001.01	9741

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EXAMINER	
BOYCE, ANDRE D	
ART UNIT	**PAPER NUMBER**
3623	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/034,293	TORRANCE ET AL.	
	Examiner	Art Unit	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/21/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-24 have been examined.

Drawings

2. The drawings are objected to because figure 6 has reference character "203 (208)", thus labeling the "Question B" box with two reference characters.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "274" in figure 4.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "the receiving data associating the different sets of data." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-14, 19, 21, 22, and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In order to be considered useful, the claimed invention must possess a practical application. In order to be concrete, the result

must be assured and reproducible. In order to be tangible, the result must involve more than a manipulation of an abstract idea.

In the present case, independent claim 1 does not provide a useful result. Claim 1 comprises receiving set of data comprising identification of a question and of possible responses to the question, sending sets of data for presentation of the question and possible responses and user selection, and receiving data indicating user selections. As a result, there is no practical application, since nothing is done with the data. The data is only received by one network computer, sent to a different computer, and received from a different network computer. Claims 2-14, 19, 21, 22, and 24 are rejected based upon the same rationale.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-9, 15-17, 19, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas (US 2002/0002482).

As per claim 1, Thomas discloses method of collecting user responses to questions over a network (i.e., automated survey system coupled to a network; ¶

0032 and figure 1), the method comprising: receiving from different network computers different sets of data, individual ones of the sets of data comprising identification of a question and identification of possible responses to the question (i.e., survey requestor electronically sends a survey request to survey system 102, ¶ 0035, wherein the survey requestor creates the survey to be distributed by survey system 102, ¶ 0055); sending to different network computers one of the different sets of data for presentation of the question and possible responses and user selection of at least one of the possible responses (i.e., survey system 102 coupled to network 104, wherein the survey system 102 forwards a survey to participants and receives responses over the network 104, ¶¶ 0032-33, figure 1); and receiving from the different network computers data identifying user selections of at least one of the possible responses of the one of the sets of data (i.e., survey system 102 receives responses over the network 104, ¶ 0033).

As per claim 2, Thomas discloses sending to different network computers a different one of the sets of data for presentation of the identified question and possible responses and user selection of at least one of the possible responses (i.e., survey questions are electronically distributed 406 to the selected group of participants, ¶ 0048); and receiving from the different network computers data identifying user selections of at least one of the possible responses of the different one of the sets of data (i.e., responses to the survey questions are electronically received, ¶ 0051).

As per claim 3, Thomas discloses providing a user interface for user submission of a question and possible responses (i.e., survey requester enters a survey question 508 and answer choices 514, ¶¶ 0058-59).

As per claim 4, Thomas discloses providing a user interface for user selection of a response to a question (i.e., participants access the survey page via the WWW page associated with the survey system, ¶ 0048).

As per claim 5, Thomas discloses the network comprises the Internet (¶ 0032).

As per claim 6, Thomas discloses selecting a set of data for sending to a network computer (i.e., survey requestor selects a question category 506, ¶ 0057).

As per claim 7, Thomas discloses the selecting comprises selecting based on at least one of the following: characteristics associated with a user operating the network computer (i.e., survey limited or directed to specific categories of participants, ¶ 0047) and characteristics associated with the set of data.

As per claim 8, Thomas discloses the characteristics associated with the user comprise at least one of the following: age, gender, income, location, and one or more question categories of interest (¶ 0056).

As per claim 9, Thomas discloses the characteristics of the set of data comprise at least one of the following: question category (i.e., survey requestor selects a question category 506, ¶ 0057), characteristics of a desired user audience, and a presence of one or more keywords in the set of data.

As per claim 15, Thomas discloses generating a report from the user selections received from the different network computers (i.e., a survey report is emailed to survey requestor, ¶ 0053).

As per claim 16, Thomas discloses generating a report of the distribution of responses selected by users for a question (i.e., tabulation or summarization of the responses, ¶ 0052).

As per claim 17, Thomas discloses determining one or more correlations between at least two of the following: one or more characteristics associated with the set of data, one or more characteristics of the user selections, and one or more characteristics of users selecting responses (i.e., analysis of the responses, using information in the responses and information known about the participants, ¶ 0052).

As per claim 19, Thomas discloses receiving data associating different sets of data (i.e., survey processing 400 processes responses, including tabulation or summarization, ¶ 0052).

As per claim 21, Thomas discloses the identification of a question comprises at least one of the following: text, an image, a sound, and a link (¶ 0028).

As per claim 22, Thomas discloses the identification of a possible response comprises at least one of the following: text, an image, a sound, and a link (i.e., survey could have audio and video clips to obtain participant's feedback, ¶ 0028).

As per claim 23, Thomas discloses a method of collecting user responses to multiple-choice questions over the Internet (i.e., automated survey system

coupled to a network, including the internet, ¶ 0032 and figure 1), the method comprising: providing a first user interface for user submission of a question and multiple-choice responses for display via a web-browser (i.e., survey requester enters a survey question 508 and multiple choice answers 514, ¶¶ 0058-59); receiving different sets of data from different network computers presenting the first user interface, individual ones of the sets of data comprising identification of a question and different multiple-choice responses to the question (i.e., survey system 102 coupled to network 104, wherein the survey system 102 forwards a survey to participants and receives responses over the network 104, ¶¶ 0032-33, figure 1); sending the sets of the data to different network computers (i.e., survey participants A and B, figure 1); providing a second user interface for web-browser presentation of the question and multiple-choice responses identified by the sets of data and for receiving user selection of one of the multiple-choice responses via the web-browser (i.e., participants access the survey page via the WWW page associated with the survey system, ¶ 0048); receiving from the different network computers data identifying user selections of one of the multiple-choice responses identified by the different sets of data (i.e., survey system 102 receives responses over the network 104, ¶ 0033); and generating a report from the user selections received from the different network computers (i.e., a survey report is emailed to survey requestor, ¶ 0053), the report including a distribution of responses selected by users (i.e., tabulation or summarization of the responses, ¶ 0052).

Claim 24 is rejected based upon the rejection of claim 1, since it is the computer program product code claim, corresponding to the method claim.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 10-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 2002/0002482), in view of Boe et al (USPN 6,236,975).

As per claim 10, Thomas does not disclose limiting presentation of a set of data. Boe et al disclose the customer's responses to the previous question used by the page generator 48 to omit irrelevant questions (column 6, lines 38-42). Both Thomas and Boe et al are concerned with compiling survey data via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include limiting presentation of a set of data in Thomas, as seen in Boe et al, thus omitting questions determined to be irrelevant, as disclosed in Boe et al (column 6, lines 38-42), thus making the Thomas survey system more efficient.

As per claim 11, Thomas does not disclose limiting based on a number of responses to other questions provided by a submitter of the set of data. Boe et al disclose the customer's responses to the previous question used by the page

generator 48 to omit irrelevant questions (column 6, lines 38-42). Further, Boe et al disclose retrieving information about the customer, including which survey questions have already been answered (column 6, lines 20-24) Both Thomas and Boe et al are concerned with compiling survey data via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include limiting based on a number of responses to other questions provided by a submitter of the set of data in Thomas, as seen in Boe et al, thus omitting questions determined to be irrelevant, as disclosed in Boe et al (column 6, lines 38-42), thus making the Thomas survey system more efficient.

As per claim 12, Thomas does not disclose transmitting data associated with an advertisement to the different network computers. Boe et al disclose the page generator 48 presenting advertisements for products and services during the survey, the advertisements chosen based on customer demographics and subject matter of the survey (column 6, lines 47-51). Both Thomas and Boe et al are concerned with compiling survey data via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include transmitting data associated with an advertisement in Thomas, as seen in Boe et al, in order to determine which advertisements the user will respond favorably (see Boe et al, column 6, lines 54-57), thus making Thomas more effective.

As per claim 13, Thomas discloses selecting the advertisement. Boe et al disclose the page generator 48 presenting advertisements for products and

services during the survey, the advertisements chosen based on customer demographics and subject matter of the survey (column 6, lines 47-51). Both Thomas and Boe et al are concerned with compiling survey data via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include selecting the advertisement in Thomas, as seen in Boe et al, in order to determine which advertisements the user will respond favorably (see Boe et al, column 6, lines 54-57), thus making Thomas more effective.

As per claim 14, Thomas discloses receiving data associating the advertisement with a set of data. Boe et al disclose the page generator 48 presenting advertisements for products and services during the survey, the advertisements chosen based on customer demographics and subject matter of the survey (column 6, lines 47-51). Both Thomas and Boe et al are concerned with compiling survey data via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include receiving data associating the advertisement with a set of data in Thomas, as seen in Boe et al, in order to determine which advertisements the user will respond favorably (see Boe et al, column 6, lines 54-57), thus making Thomas more effective.

As per claim 20, Thomas does not disclose receiving data identifying a next set of data to present after user selection of one of the possible responses of a set of data. Boe et al disclose the customer's responses to the previous question

used by the page generator 48 to omit irrelevant questions (column 6, lines 38-42). Both Thomas and Boe et al are concerned with compiling survey data via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include receiving data identifying a next set of data to present after user selection of one of the possible responses of a set of data in Thomas, as seen in Boe et al, thus omitting questions determined to be irrelevant, as disclosed in Boe et al (column 6, lines 38-42), thus making the Thomas system more efficient.

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 2002/0002482), in view of Brookler et al (US 2002/0007303).

As per claim 18, Thomas does not disclose the one or more characteristics of the user selections comprise at least one of the following: time of response and an amount of time responses to a question were considered. Brookler et al disclose a time limit of a survey (¶ 0039). Both Thomas and Brookler et al are concerned with creating and publishing electronic surveys, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include time of response of the user selections in Thomas, as seen in Brookler et al, thereby determining a priority of the survey (see Brookler et al, ¶ 0040), thus making the Thomas system more efficient.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Nanos et al (US 2001/0052122) disclose an automated survey kiosk.

-Lesandrini et al (US 2005/0283395) disclose performing research over the internet.

-Peters et al (USPN 5893098) disclose obtaining and collating survey information.

-Callender (US 2002/0119433) disclose creating and administering a test.

-Hamlin et al (USPN 6754635) disclose automating surveys over a network.

-Nelson (US 2002/0120491) disclose collecting and processing survey information.

-Walker et al (USPN 6513014) disclose administering a survey via a televisions transmission.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adb
February 6, 2006

ANDRE BOYCE
PATENT EXAMINER
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